

# VIRGINIA ARGUS.

[XIVth Year.]

A FREE PRESS MAINTAINS THE SOVEREIGNTY OF THE PEOPLE

[No. 1284.]

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**PROPOSALS,**  
FOR PUBLISHING BY SUBSCRIPTION,  
REPORTS OF CASES  
ARGUED & DETERMINED IN THE  
SUPREME COURT OF APPEALS  
OF VIRGINIA;  
WITH SELECT CASES,  
RELATING CHIEFLY TO POINTS OF PRACTICE  
SETTLED BY THE LATE  
HIGH COURT OF CHANCERY, & PRE-  
SENT SUPERIOR COURT OF CHAN-  
CERY FOR THE RICHMOND  
DISTRICT.

By WILLIAM W. HENING, & WILLIAM  
MUNFORD.

- TERMS OF SUBSCRIPTION.**
- I. The decisions of each term of the Court of Appeals, shall be published as soon after the rising of the Court, as may be consistent with a due regard to accuracy.
  - II. The work shall be printed on an entirely new type and good paper, of the size and quality of that used in Judge Tucker's edition of Blackstone's Commentaries, and delivered to subscribers in the form of a Pamphlet, at the rate of 12 1-2 cents for every sixteen pages. Each Pamphlet, it is supposed, upon an average, will contain about 64 pages.
  - III. The pages of each succeeding Pamphlet will be numbered progressively, so as to admit of being bound up into a volume; and, as soon as the number of pages shall exceed 500, a Title Page, Index and table of the names of the cases will be given.
  - IV. Subscribers, who wish it, may receive a volume, when completed, handsomely bound and lettered, and containing not less than 500 pages, at the price of four dollars.

## TO THE PUBLIC.

**IMPRESSED** with the importance and necessity of an early publication of the decisions of those Courts, whose opinions become the law of the land; being convinced that the speedy and general circulation of correct reports of those decisions, is not less requisite to a knowledge of the law than that of the acts of each session of the legislature; having often ourselves felt and observed the inconveniences arising from the want of information of this nature; and, in consequence of our situation, being enabled diligently to attend the Court of Appeals and Superior Court of Chancery at this place, and to furnish reports of the most important of their proceedings with as little delay as possible; we have determined to undertake the work which we now offer to the patronage of the public. Indeed, we flatter ourselves that the utility of a work of this description, must be apparent to every judge and magistrate, as well as to every member of the bar. At present, the decisions of the Court of Appeals are unknown, except to the few who are immediately conversant with them, until several years have elapsed from the time when they were rendered. How often, therefore, have the inferior courts been compelled to listen to mere oral and inaccurate reports of cases said to have been determined by the Court of Appeals? How often have they decided points of law in direct opposition to doctrines already settled by the Superior Courts, but of which no report had been published? thus subjecting the parties to the expense and delay of additional litigation, and to the injury arising from the reversal of a judgment or decree, all of which might otherwise have been avoided? The disadvantages, to which the practitioners of law in the country are subjected, in giving advice to their clients, without possessing an opportunity of knowing the decisions by which that advice ought to be governed, are truly great, and, no doubt, are universally felt and acknowledged. With respect to the rules of practice in Chancery suits, a knowledge of the method of proceeding in the Superior Courts of Chancery, is essentially necessary to the County and Corporation Courts; the law having expressly declared that those Courts shall in Chancery cases conform to the practice of the High Court of Chancery in like cases. Yet, for want of information on this subject, it is certain that very different modes of proceeding prevail in the several County and Corporation Courts. It appears therefore evident that the work contemplated, by which an attempt will be made to remedy the numerous inconveniences we have mentioned would, if well executed, be peculiarly conducive to the public good. In prosecuting this undertaking, we shall endeavor to avoid a tedious or prolix method of stating the cases and arguments of counsel.—The duties of a judicious reporter we conceive to be: 1. To give a concise and accurate statement of the points in controversy, and the most important circumstances only in each case. 2. To mention briefly the substance of the arguments of the Counsel on both sides, with the authorities cited by them. and—3. To insert the opinions of the judges at full length. We shall exert ourselves to the utmost to fulfill those duties to the satisfaction of our readers, and trust that our joint labors will enable us to furnish the work with the requisite expedition and accuracy.

William W. Hening.  
William Munford.

Richmond, July 9th, 1866.  
Subscription papers will be lodged at the several book stores and public offices in the city of Richmond and generally distributed through the different counties in this state.

**Thos. & Amos Ladd,**

HAVE suspended the grinding of wheat in their Merchant Mill, on the James river canal about one and a half miles above this city, for the purpose of grinding Corn on toll, where they now have a plentiful supply of water. They are induced to do, to relieve the distresses of the people, though at a great sacrifice of their own interest.

Richmond, Sun mo 1, 1865.

## MILLINERY.

MRS. S. PLEASANTS, in career house next door below Jacob Johnson's Book store has received a handsome assortment of BONNETS, HATS, &c. &c. of newest fashion, just from Philadelphia. A supply will be constantly kept on hand.

Buckingham county, July Court, 1866.

Joseph Clarke and John Harris,

Complainants.

Zacharias Taliaferro, Charles Patterson and John Baskerville,

Defendants.

ON the motion of the complainants by their counsel, and it appearing to the satisfaction of the court, that the defendant Taliaferro and Patterson are not inhabitants of this state, It is ordered, and decreed that unless they shall appear here on or before November term next, and answer the bill of the complainants, the same will then be taken for confessed, and the matter thereof decreed accordingly, and that a copy of this order be forthwith published for two months successively in some public newspaper of the city of Richmond, and another copy be posted up at the front door of the courthouse of the said county.

A Copy.—Teate.

ROLFE ELDRIDGE, Jr. & Co.

THE Clerks of the several county and corporate courts, are respectfully requested to forward to this office as soon after the first day of September next as possible, a list of Licenses granted to Tavern keepers, Hawkers and Peddlars, pursuant to the act of Assembly passed the last session, intitled, "An act to provide more effectually for the collection of taxes. Sec. 3." The Commissioners of the Revenue are likewise requested to forward a list of Licenses granted to Merchants, to the first of September next, as soon after that period as possible. SAM'L. SHEPARD, Auditor. Auditors Office, 1st August, 1866.

## WILL BE SOLD,

For cash, in the town of Milton, at the tavern of Thomas Wills, on the fourth day of September next.

The Following Slaves, to wit:

Hannah, a negro woman, Patrick, a boy, Amy, a negro woman, Dick, a negro fellow, and the children of Hannah herein before named; also, the children of Amy herein before named, conveyed to me in trust by Edward Moore, to secure the payment of a debt due Brown, Rives & Co. merchants and partners, of the town of Milton. Being only interested as trustee, will only convey the title to aforesaid property vested in me as such.

Martin Dawson, Trustee.

August 2d, 1866

A BARGAIN MAY BE HAD IN A  
Chariot, Harness and Pair of Excellent Horses.

Enquire of the printer.

Richmond, August 2, 1865.

## FOR THE ARGUS.

The writer who has occupied a considerable portion of the Enquirer in discussions concerning European Politics, some of which appeared under the signature Pacifigator, knew well, that his opinions were unpopular, but he knew as well that the facts upon which they were founded could not be controverted. He was in hopes that some of those who so loudly and pertinaciously support opposite opinions, would have taken this opportunity of explaining the principles upon which their own opinions are founded. The Editor of the Enquirer having acknowledged his own sentiments towards the Emperor of France, to be extremely hostile, it was reasonable to expect from him an open, manly and intelligible opposition and explanation of his reasons: But instead of this, the Editor has only manifested his temper without affording a single substantial argument, either to counteract the opinions advocated by Pacifigator, or to show that his own are well founded.

For these reasons the writer of Pacifigator has chosen to change his plan of operations, and with the leave of Mr. Pleasants, will furnish in this paper, the investigation of those subjects which were originally intended for the Enquirer.

The writer thinks proper to premise that he has a few cardinal points in view—

1. To excite a general confidence in the administration of this country.
2. To prevent war with any or either of the nations of Europe.
3. To prevent coalitions or alliances with any nation.
4. To counteract unjustifiable prejudices in relation to the nations of Europe.

Observations in opposition to the opinions and principles, contended for in a pamphlet called War in Disguise.

Political truths, however, unwelcome they may be, in spite of the countless falsehoods which may be promulgated to obscure them, will at last unfold themselves; and indeed in many cases, very little, if any thing, would be lost by leaving things to take their course. But the matters noticed by Pacifigator, are not of this description. A majority of the people of America, appeared to be overwhelmed in darkness, blinded by prejudices and misled by intrigues, who first fabricated by artful devices the war profanely, to suit their own purposes, and then pretend to re-echo the same opinions and projects, of which they in the first instance were the authors. All these things combined, and seemed to threaten the production of consequences, which the writer then, & yet, thinks would have been and yet would be, extremely injurious, perhaps fatal to this country.

If in the course of these writings, it may seem that he has become either the ardent partizan or zealous eulogist of the Emperor Napoleon, and that his writings have therefore failed to have a proper effect, he offers for answer, that the defenders of Napoleon, were so numerous & had made such impressions that he deemed it expedient to use the loftiest terms in reply, either as the best means to silence clamor, or to provoke accurate investigation,

but he will not descend to a subterfuge, or equivocation; because he knows that he is supported by truths.

These dissertations have already swelled to a considerable size, but they are a mere Bagatelle to the matters which might be illustrated. The reader has only been permitted, as it were, to peep into Europe, and to form some general opinions of the situation of the different countries, their relations to each other, and the general relations of the whole to the United States; for after all, let things go as they may in Europe, the American politician must weigh them by their effects upon his own country. And altho' the writer has discussed several subjects as a philosopher, with nerves and feelings entirely insulated both from Europe and America—yet he has not forgotten the existence of America, or the necessity to preserve her rights as a people, her rank and station as a nation, and her happiness as a component portion of the civilized world.

If Europe was restored to peace, or if there was a plausible prospect that this desirable event would soon happen, further discussion in relation to European affairs, and the contentions of those nations, would be dismissed; and so far as respects this writer, things would be left to take their sure and natural course; but considering things as they are, he would be unfaithful to his principles, to his country and to mankind, to be silent while yet the war raged; while indeed the battle was not over.

Austria humbled, Russia's braten, almost all the rest of continental Europe in confederation, presents to all but blind men a new epoch in the history of that portion of the globe. France who has attracted wonders—whose destinies are directed by a phenomenon, offers peace and confederation or social regulations to all Europe. They are not accepted by Russia, are indignantly rejected by Britain, and the denunciations of Sweden, completes the measure of folly. Heretofore the British nation has been able to support an opposition against France, by the delusion which prevailed among her own people—and by the hiring armies which were sold by Austria and Russia; but Austria is driven from the arena—the system of hiring can exist no longer—and now Great Britain attempts to support her pretensions by the superiority of her navy—and by the plausible excuses which are offered for pretended privileges; yes, privileges which are denied and opposed by all other nations; and in the support of which that government now wages, and threatens to wage an implacable and unceasing war.

It will be a vain and endless labor to offer arguments, or replies to every thing which has or shall appear from the presses of England. Every ship brings us something new—in almost all of which the Emperor Napoleon is portrayed in the blackest terms of detestation. The harsh and most opprobrious epithets are used against him, and nothing is said to alleviate or extenuate—One of these books intitled "War in Disguise," has obtained and deserves more notice than the rest. The writer appears to have acted upon the premeditated intention, to leave nothing unattempted which could rouse the indignation of his countrymen—the jealousy of America, or the detestation of all mankind. He has written for the purpose of eternal and general war. In the notice which is about to be taken of some of his remarks, eternal and general peace, will be the chief object. The writer of the pamphlet, thinks that England ought to wage war as long as she can. On the other hand it will be shown that there are other means, by which the independence of England, may be preserved and guaranteed upon more sure and permanent foundations.—And it will be also shown, if Great Britain, in opposition to all that is reasonable, just and wise, will prosecute a disastrous war—that in spite of her efforts, her talents, her bravery, her money, her cannon and her fleets, she will be overthrown.

It is well known that this opinion will be not only very unpopular, but will be treated with contempt. This will proceed from many causes, some of them contradictory and opposing each other, but all uniting and giving support in the final results. Some think that England and Englishmen are invincible—others are so misled by their prejudices against Bonaparte, that rather than allow him in a reasonable degree, the benefits of his own exploits and advantages, they would consign not only France and the rest of Europe but all the world to British domination. In the course of these remarks, some of these things will be fairly and impartially investigated.

But while the public mind is in doubt, and pauses between these contending nations, the friends of Britain and the foes of Bonaparte, tho' in many cases foes to each other, wish to entangle the United States in the war, which the British rulers

and their writers say cannot end but with the fall of England, or the destruction of Napoleon's power. Thus do they in a moment of passion or prejudice, endeavor to deprive their country of the general benefits of the peace and commerce of continental Europe, and to take their chance in the ill fortune of Great Britain, without even knowing that their services will be well received.

It will not be denied, nor can it be pretended that the pamphlet just alluded to, is not written with considerable ingenuity. But the whole tendency of the work, and the force of the authors talents have been exclusively devoted to the British policy. This writer is not only an Englishman, but we are told, he is a link in the aristocratic chain, which sustains that government, and is connected with one of the chief Ministers of State. From such a man, under such circumstances, it would be ridiculous to expect, a fair, honest, impartial and manly investigation. He wrote, not merely to gratify a humor but from interested feelings; not as a philosopher, but as a partizan; not to oppose Bonaparte, but to preserve England; not merely to justify British usurpations, but to preserve the honor, power and distinction of hereditary nobility in that island. And altho' the author pretends to a great deal of independence and candor, it will be impossible to allow credit to his declarations, without discrediting the general influence of human feelings and passions. If the pamphlet had been written in the United States, or in any other part of the globe which had as little right to fear the combined effect of Bonaparte's power and resentment, the ingenuity of the paragraphs would have had a stronger effect, and the writer might have obtained, at least the credit of disinterestedness.

These things being considered, the sophisms and delusions of the performance, will lose much of their force, and the impartial reader will endeavor to disentangle himself from the deceptive tendencies by other and contradictory considerations. He will read and reflect as an unit of the great family of mankind, and while he for the moment holds the scales of justice in his hands, he will feel no preference in favor of an hereditary aristocracy, over the rights and claims of the most humble plebeians.

The writer of the pamphlet, has proceeded upon the opinion that the English are the favorites of Heaven, that they are entitled to pre-eminence, and to pursue all the means which are necessary to promote or secure it. Led away and entangled by the delusion, he has found no difficulty in justifying the wars which they have lately provoked and prosecuted, or all the measures which were necessary to render those wars as destructive to the enemy, and as beneficial to themselves as circumstances would permit.

In this wide scope they forget or trample upon the rights of nations; they endeavor to make every nation bend to their designs; and they do not hesitate to employ the force which they possess to compel it. They act not merely as if they were God's chosen people, but like viceregers to whom he had delegated by special licence or patent to proscriber the rights and privileges of all other nations by proscribing their own. While other nations tho' inferior in maritime strength, feel and know that all this, on the part of the British is an usurpation.

If as much pains had been taken by the same, or a writer of equal talents, on the other side, it would appear that the British Doctrines, were unjust—that the whole of the project upon which their maritime rights are founded are tyrannical, and are denied and disclaimed by all other civilized nations. Under such a view it would be more necessary for these usurpers to offer apologies and excuses for an indefensible conduct, for an unnecessary and unprovoked war, than to threaten with the scourges of unceasing war, all nations who did not promptly and patiently submit to their consequences. There is but one plea, one sort of vindication which these Islanders can offer and that may be contained in one word "self preservation." But powerful and irresistible as is the talismanic influence of this word, the charm will lose its influence, the plea will be over-ruled when we remember that almost every month brings to us some new proof, that they who might use it have been, still are, and threaten to be, as long as they have the means and the strength, the aggressors in the war and consequently the disturbers of the peace of the world.

It is not intended, to take a regular and accurate view of the pamphlet. Enough has been said to shew what are its objects, causes and tendencies. A few sentences will be occasionally quoted which appear to suit the purposes of these remarks. Already the foundation has been attacked, if that is found to be defective, the whole superstructure, however well

put together; however, it may be polished, or varnished, or burnished, it will nevertheless fall.

In justice to the writer of the pamphlet, it ought to be acknowledged, that he has done a great deal for a bad cause, and has indeed almost "made the worse appear the better reason."

PACIFICATOR.

(To be continued.)

FROM THE AMERICAN CITIZEN.

## MILITARY EXPEDITION.

Before we proceed farther with the trial of Col. Smith, we have deemed it proper to lay before the reader the following voluntary testimony and deposition taken in the first proceedings of the United States vs. Smith and Ogden, that he may have all the facts necessary to inform his mind respecting the expedition of Miranda, and their agency in it.

No 1.

Voluntary examination of Mr. Ogden, 1st March, 1866. Dey et.

Samuel G. Ogden brought up this morning upon the warrant issued by me yesterday and examined as a party charged in having provided and prepared the expedition mentioned in the warrant says: He is the sole owner of the Leander; Gen. Miranda's name is Francis; he sailed in her, and she was bound to Jacquemet. He prefers not to say what other place the Leander was to touch, or where Gen. Miranda was to land, and does not say. There were 180 persons on board, including every person. She had 17 cannon on board mounted as the compliment of the ship. He declines answering any question relating to the vessels cargo or what was in her hold.

The persons who went out in the Leander are set down in a list, a copy of which he annexes hereto.\*

The persons on board were not organized as a troop to act in any military duty, other than to defend the vessel in case of attack.—He does not admit he has set on foot or prepared any expedition of a hostile nature against any foreign state. He first saw Gen. Miranda the 27th or 28th of December last, then in New-York, where he remained principally till he sailed in the Leander. The General lodged at Mrs. Avery's, State street, in this city.

SAM'L. G. OGDEN.

Taken and subscribed before me the first day of March, one thousand eight hundred and six.

M. B. TALMADGE.

No. 2.

## Ogden's Deposition.

District of New-York, to wit:

Samuel G. Ogden of the city of New-York, merchant sworn to make true answers touching a certain expedition fitted out and sailed from this port in the Leander deposes, that Col. Smith had no particular agency in fitting out the ship Leander or procuring the cargo—the deponent did that himself. Col. Smith and Gen. Miranda were frequently together; William Armstrong was the principal agent of this deponent in procuring certain articles of the cargo of the ship & getting the men on board. There were pikes, cannon and cutlasses for the use of the ship on board.—Gen. Miranda is gone out in the ship as passenger merely; is bound to a place as he this deponent, thinks in latitude between 10 and 15 N. and longitude between 60 and 75 W. Gen. Miranda was to land as was intended either upon an island or on the Spanish Main within that latitude and longitude.—That the men on board were at liberty to act or not to act in any enterprise with Gen. Miranda as they should agree, or to land with the general or not to land, at their pleasure. Gen. Miranda was born, as he understood, in the province of Carracass, and he thinks in the town of Carracass, where he had a great number of friends. That Gen. Miranda shewed this deponent a great number of papers in the Spanish language, the substance of which, as he told him, were assurances from his friends in Carracass, that they would assist him in any views he might have when he arrived there; they were papers both recent and old, and some of them very recent and mostly received by Gen. Miranda while in Europe—that general Miranda came here from London and brought with him a letter of credence on Daniel Ludlow of this city for 8000. sterling, which sum this deponent received from Mr. Ludlow for Gen. Miranda.

The engagement between this deponent and Gen. Miranda is that the Leander shall carry what she has on board to her port of destination, and the Capt. of the ship is there to receive for this deponent in cash its price & the amount of the outfit; and two hundred per cent. advance on the amount of the cargo & outfit.

\* The list of names will be hereafter given in its regular order in the course of the testimony delivered in court at the trial.